IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3368 OF 1990

Canara Bank .. Plaintiffs.

Versus

M/s.Jayashree Chemical Industries

& Ors. .. Defendants.

Mr.Mahesh Shukla i/b.Desai & Diwanji for plaintiffs.

Mr.Brahambhatt i/b.Thakordas & Madgavkar for defendant No.1.

Mr.Prasanna Tare for defendant No.2.

CORAM : A.M.KHANWILKAR, J.

DATE : 8th October, 2007.

P.C.:

1. Mr.Mahesh Shukla i/b.Desai & Diwanji appears for the Plaintiffs. He informs that the Plaintiffs have already taken back papers from their office in 1999. If so, the Plaintiffs were expected to make necessary arrangement well in time to prosecute the suit. Counsel for the Defendant No.1 points out that the entire suit claim amount has been paid to the Plaintiffs and the

Plaintiffs have instructed their Advocate to withdraw the present suit. Xerox copy of communication sent under the signature of Chief Manager of the Plaintiffs Bank, addressed to the Defendant No.1 dated 25th September, 2000 is taken on record. Obviously, for that reason, the Plaintiffs have not bothered to make necessary arrangement for prosecuting the suit.

2. In the circumstances, suit is dismissed for non prosecution. Refund of Court fees, if any, as per rules. No order as to costs.

(A.M.Khanwilkar, J.)